

Application No.: 09/942,504  
Response to OA dated: January 9, 2006  
Response dated: April 7, 2006

**Remarks**

The above Amendments and these Remarks are in reply to the Office Action mailed January 9, 2006.

**I. Summary of Examiner's Rejections**

Prior to the Office Action mailed January 9, 2006, Claims 1-30 were pending in the Application. In the Office Action, Claims 1-11, 14-18 and 21-24 were rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al. (U.S. Patent No. 6,487,170, hereinafter Chen) in view of Kawarai et al. (U.S. Publication No. 2001/0033581, hereinafter Kawarai). Claims 12, 13, 19, 20 and 25-30 were rejected under 35 U.S.C. 103(a) as being unpatentable over Chen and Kawarai in further view of Baum et al. (U.S. Patent No. 6,850,495).

**II. Summary of Applicant's Response**

The present Response amends the Specification in order to correct minor typographical errors and traverses the rejections leaving for the Examiner's present consideration Claims 1-30. Reconsideration of the Application is respectfully requested. Applicant respectfully reserves the right to prosecute any originally presented or canceled claims in a continuing or future application.

**VI. Claim Rejections under 35 U.S.C. §103(a)**

In the Office Action mailed January 9, 2006, Claims 1-11, 14-18 and 21-24 were rejected under 35 U.S.C. 102(b) as being anticipated by Chen et al. (U.S. Patent No. 6,487,170, hereinafter Chen) in view of Kawarai et al. (U.S. Publication No. 2001/0033581, hereinafter Kawarai).

**Claim 1**

Claim 1 defines:

1. *A system for providing two qualities of service from a single data stream, comprising:*  
*(a) a storage space for storing at least one of a first quality of service choice and a second quality of service choice for each of a plurality of users;*

Application No.: 09/942,504  
Response to OA dated: January 9, 2006  
Response dated: April 7, 2006

- (b) a processor programmed to direct the data stream for each user according to that user's quality of service choice;
- (c) multicasting apparatus for receiving the data stream from the processor and multicasting the data stream to each user for which the first quality of service choice is stored in said storage space; and
- (d) a point-to-point device for receiving the data stream from the processor and ensuring that each user for which the second quality of service is stored in said storage space receives the data stream.

Thus, Claim 1 defines a storage space for storing at least one of a first quality of service choice and a second quality of service choice for each user. A processor is programmed to direct the data stream for each user according to that user's quality of service choice. Furthermore, Claim 1 defines a multicast apparatus that receives data from the processor and multicasts the data to each user for which the first quality of service choice is stored and a point-to-point device that receives the data from the processor and ensures that each user with the second quality of service receives the data stream.

The advantages of the features in Claim 1 include, for example, the ability of the users to select receiving messages via a reliable point-to-point quality of service, or by a faster multi-cast quality of service, or both. The choice for each user can be contained in the storage space which the processor can use in order to direct the data stream. In this manner, the speed and other advantages of multicasting are utilized, but also reliability can be offered to those users who do not wish to lose messages. Applicant respectfully submits that Chen in combination with Kawarai fail to render obvious the features of Claim 1.

Chen teaches a method and apparatus for making admission decisions in a packet switched network. In particular, Chen appears to disclose receiving a request for premium service and making a determination of whether to accept or reject it based on various factors (Chen, Abstract). Furthermore, Chen appears to allow unicast and multicast flows (Chen, col. 3, lines 35-53). However, this is not the same as the features defined in Claim 1. In the Office Action, it was admitted that Chen fails to teach a storage space for storing at least one of a first quality of choice and a second quality of choice for each of plurality of users and a processor programmed to direct the data stream for each user according to that user's quality of service choice. It was proposed, however, that "Kawarai discloses buffers and queues that store QOS classes for each user wherein

Application No.: 09/942,504  
Response to OA dated: January 9, 2006  
Response dated: April 7, 2006

the data streams are classified and transmitted based on the associated QOS class along with the flow and connection information, with a separate queue provided for multicasts." (Office Action, page 3).

Applicant respectfully disagrees. Kawarai does not appear to be concerned with allowing users to choose a quality of service by storing each user's choice in a storage space, as defined in Claim 1. Instead, Kawarai is concerned with dividing packets and storing them into queues by output lines and by QOS classes. These QOS classes include a guaranteed bandwidth class and a best effort class (Kawarai, Abstract). However, there appears to be no mention of users choosing a quality of service, nor a storage space for storing the choice such that a processor can direct the data to the multicast device or the point-to-point device according to the user's choice.

Firstly, buffering packets and placing them into queues is not the same as storing a user's choice of quality of service into a storage space. It appears that the packets of information themselves are stored in queues as taught in Kawarai, rather than the user's choice as to his/her quality of service for receiving the information, as defined in Claim 1.

Secondly, a guaranteed bandwidth class and a best effort class, as disclosed in Kawarai, is not the same as processor that directs the stream of data to each user according to that user's quality of service choice. Since Kawarai is not concerned with storing the user's quality of service choice, it is likewise not concerned with directing the data to the users according to their choice.

Thirdly, Kawarai also fails to disclose a multicasting apparatus for receiving the data stream from the processor and multicasting the data stream to each user for which the first quality of service choice is stored in said storage space, and a point-to-point device for receiving the data stream from the processor and ensuring that each user for which the second quality of service is stored receives the data stream, as defined in Claim 1.

Furthermore, Chen fails fix the shortcomings of Kawarai or render obvious the features of Claim 1 discussed above. Accordingly, Applicant respectfully submits that Claim 1 is neither anticipated by, nor obvious in view of the cited references, and reconsideration thereof is respectfully requested.

Application No.: 09/942,504  
Response to OA dated: January 9, 2006  
Response dated: April 7, 2006

**Claims 8, 15 and 21-24**

Claims 8, 15 and 21-24 contain features similar to Claim 1 as discussed above. Applicant respectfully submits that Claims 8, 15 and 21-24 are likewise neither anticipated by, nor obvious in view of the cited references, and reconsideration thereof is respectfully requested.

**Claims 2-7, 9-14, 16-20 and 25-30**

Claims 2-7, 9-14, 16-20 and 25-30 are not addressed separately, but it is respectfully submitted that these claims are allowable as depending from an allowable independent claim, and further in view of the comments provided above. Applicant respectfully submits that Claims 2-7, 9-14, 16-20 and 25-30 are similarly neither anticipated by, nor obvious in view of the cited references, and reconsideration thereof is respectfully requested.

It is also submitted that these claims also add their own limitations which render them patentable in their own right. Applicant respectfully reserves the right to argue these limitations should it become necessary in the future.

**VIII. Conclusion**

In view of the above remarks, it is respectfully submitted that all of the claims now pending in the subject patent application should be allowable, and reconsideration thereof is respectfully requested. The Examiner is respectfully requested to telephone the undersigned if he can assist in any way in expediting issuance of a patent.

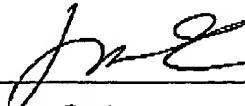
The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 06-1325 for any matter in connection with this response, including any fee for extension of time, which may be required.

Application No.: 09/942,504  
Response to OA dated: January 9, 2006  
Response dated: April 7, 2006

Respectfully submitted,

Date: April 7, 2006

By: \_\_\_\_\_

  
Justas Geringson  
Reg. No. 57,033

Customer No.: 23910  
FLIESLER MEYER LLP  
Four Embarcadero Center, Fourth Floor  
San Francisco, California 94111-4156  
Telephone: (415) 362-3800

- 13 -

Attorney Docket No.: BEAS-01063US1  
JGeringson/wp/BEAS/1063/us1/Resp to 1-09-06 OA.wpd